REMARKS:

Careful consideration has been given to the Official Action of March 17, 2009 and reconsideration of the application as now presented is requested.

Claims 1-12, 15, and 17-30 stand rejected under 35 USC 112, second paragraph as being allegedly indefinite.

Claims 1, 7-9, and 11 stand rejected under 35 USC 102(e) as being allegedly anticipated by Suda (US Patent No. 6,613,177).

Claims 2-6, 10, 12 and 20-22 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Suda.

Claim 1 has been amended to incorporate claim 2, which has been canceled. Claim 1 has also been amended to replace the "first operator for operating" with "control device for controlling" as suggested by the Examiner, and to be in better form.

Claims 13-16, and 23-30 have been canceled without prejudice.

Amendatory action has also been taken in the remaining claims to overcome the Examiner's rejections under 35 USC 112, second paragraph.

The claims as now presented are distinguished and patentable over the cited art as will

be discussed hereafter.

The claimed invention is directed to a device for producing a breaker ply having a pre-set length made of a number of bands, in which the distances between the bands are measured so that possible corrections can be carried out in real time. See page 5, lines 27-31. To achieve this, the present application provides a measuring unit for measuring, for example, the center-to-center distance between the longitudinal cords of two adjacent bands each time when a new band has been positioned, so that possible deviations are established at an early stage and may possibly even be remedied by controlling the transport device. See page 6, lines 6-20.

Claim 1 now recites a control device which comprises a memory for storing the strip width, the center-to-center distance between the longitudinal cords and the breaker ply length, and a calculating unit for calculating a band number, being the necessary number of bands to form a breaker ply, and the transfer distance from the center-to-center distance, the strip width and the breaker ply length. This enables the control device to accurately control the first drive and the drive for adjustably moving the support surface of the second transport device with an adjustable transfer distance for positioning the next band, or a transport distance for transporting the breaker ply towards the building drum. As discussed in the present application at page 7, lines 6-12, an increase or decrease of the center-to-center distance between the longitudinal cords would result in an increase or decrease of the length of the breaker ply. Thus, by calculating the transfer distance from parameters including the center-to-center distance between the longitudinal cords, a deviation in the center-to-center distance between adjacent cords situated in consecutive bands in relation to the center-to-center

distance between the cords located within each band can be prevented. This permits the properties of the breaker ply included in the finished tire to be consistent throughout the circumference of the tire. As a result, the integrity of the tire and the safety in use can be enhanced.

In contrast, as acknowledged by the Examiner, Suda does not teach or suggest using the center-to-center distance between the cords as a parameter in the setting of the transfer distance for the positioning of the next band. In fact, Suda teaches way from monitoring and storing the center-to-center distance and the control device as recited in the claims because Suda teaches pre-calculating the movement of the conveyor based on the required final length, the number of bands, and the width of the bands. See for example, column 7 of Suda in which details of the calculations are discussed. There is nothing in Suda that would teach or suggest one skilled in the art to monitor the center-to-center distance in real time and to make the appropriate corrections as claimed.

In view of the above, Applicants respectfully submit that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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